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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,835	06/26/2003	Atsushi Ikeno	31759-190543	4076
26694	7590	07/18/2006	EXAMINER FABER, DAVID	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998			ART UNIT 2178	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/603,835	Applicant(s) IKENO, ATSUSHI	
	Examiner David Faber	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13, 15-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13, 15-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____ |
|---|--|

DETAILED ACTION

1. This office action is response to the amendment filed 2 June 2006.
2. Claims 1, 4, 6-8, 12-13, 15, and 19 are amended. Claims 5, 14, and 18 have been cancelled by the Applicant.
3. The rejection of Claims 4, and 13 under 35 U.S.C. 112, 2nd paragraph, has been withdrawn necessitated by the amendment. The rejection of Claims 5, 14, and 18 under 35 U.S.C. 102(b) as being anticipated by Yanase et al (US PGPub 2001/0025288, published 10/27/2001) has been withdrawn necessitated by the amendment.
4. Claims 1-4, 6-13, 15-17, and 19-21 are pending. Claims 1, 12, and 19-21 are independent claims.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. As per dependent claim 12, Claim 12 is vaguely worded and confusing. Examiner believes the limitation wording/line on page 4, "classification to the respective partial documents obtained by the division conducted in" was mistakenly inserted twice, and therefore, throughout this Office action, only views the limitation once.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 18 discloses an information partitioning program, described with a code executed by a computer, is considered as a computer program. A computer program not embodied on a tangible computer readable medium is not statutory.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2, 4, 6, 8, 10, 12-13, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Yanase et al (US PGPub 2001/0025288, published 10/27/2001).

As per independent Claim 1, Yanase et al discloses:

- division pattern storing means for storing therein one or plural division patterns defining a predetermined character string which can be represented in a division line; document dividing means for applying the one or plural division patterns stored in the division pattern storing means to the inputted electronic document to divide the electronic document to plural partial documents. (FIG 7-8; Paragraph 0080, 0084: Discloses news information in an electronic mail format containing line separators composed of characters, regarded as a separator for separating articles from one another within. These character lines are predetermined rules for separating. (Paragraph 0079-0080) Paragraph 0084 discloses an example using FIG 7 containing multiple character lines where the lines are used to separate the articles from each other. In addition, other division patterns are used to separate the title and the main body of text from within each of the separated articles. FIG. 8 shows the result of the method disclosure in Paragraph 0084.)

As per dependent Claim 2, Yanase et al discloses:

- wherein the division pattern storing means stores plural division patterns for an electronic document of one kind. (Paragraph 0084: Discloses multiple division patterns that not only determine patterns to separate articles, but also

patterns to separate and determine the main body text and the title of each article.)

As per dependent Claim 4, Yanase et al discloses:

- wherein the division pattern storing means stores a division pattern (a searching division pattern) so that, when discrimination has been made to the inputted electronic document, within a predetermined line from a line coincident with the division pattern (a searching division pattern), there is not a line coincident with another division pattern, the line coincident with the division pattern (a searching division pattern) is defined as the division line. (Paragraph 0084: An embodiment of a news information by electronic mail in which a document format analysis is performed according to the predetermined rules (Paragraph 0079-0083)) When lines of the same character code appear consecutively, and match a predetermined rule, the lines are regarded as separators, and thus division lines.)

As per dependent Claim 6, Yanase et al disclose:

- wherein the labeling pattern storing means stores plural labeling patterns for an electronic document of one kind. (Since Paragraph 0084 discloses multiple division patterns that not only determines separate articles, but also the main body text and the title of each article. Once determining the division of the sections, the method is able to label an individual article, the text of the

article, and the title of the article. Paragraph 0081-0083 discloses example of predetermined rules used for division purposes, but also used for labeling.)

As per dependent Claim 8, Yanase et al discloses:

- wherein the labeling pattern includes the same pattern as the division pattern.
(Paragraph 0079-0084: Paragraphs 0079-0083 disclose an example of predetermined rules that is determines the separation of multiple articles from each other, and able to locate the title, main text, and links. Not only the process is able to locate each of these components, these rules are also used for labeling the component explained in Paragraph 0084 and shown in Figures 8 and 10.)

As per dependent Claim 10, Yanase et al discloses:

- division pattern producing means for recognizing existence of plural lines including similar character strings in similar positions in the electronic document inputted to produce the division pattern and register the same in the division pattern storing means. (Paragraph 0084, Figs. 7-8: Paragraph 0084 discloses the example of separating two articles from each other. It is able to locate and determine the multiple line separators to break down the text, then able to read the number of space lines of broken-down sections to determine the title and text by the number of lines separating from a subsequent section. Then the title and text is paired together and viewed as

one article. FIG 7 shows the example used, with FIG 8 the result from the disclosure of Paragraph 0084.)

As per independent Claim 12, Shimada et al discloses a method:

- a document dividing step of applying one or plural division patterns defining a predetermined character string which can be expressed in a division line to the electronic document inputted to divide the electronic document to plural partial documents and a labeling step of applying labeling patterns provided with classification information pieces for defining a predetermined character string which can specify classification to the respective partial documents obtained by the division conducted in classification to the respective partial documents obtained by the division conducted in the document dividing step to provide the classification information pieces. (FIG 7-8; Paragraphs 0080, 0084: Discloses news information in an electronic mail format containing line separators composed of characters, regarded as a separator for separating articles from one another within. These character lines are predetermined rules for separating. (Paragraph 0079-0080) Paragraph 0084 discloses an example using FIG 7 containing multiple character lines where the lines are used to separate the articles from each other. In addition, other division patterns are used to separate the title and the main body of text from within each of the separated articles. FIG. 8 shows the result of the method disclosure in Paragraph 0084.)

As per dependent Claim 13, Claim 13 recites similar limitations as in Claim 4 and is similarly rejected under Yanase et al.

As per dependent Claim 16, Claim 16 recites similar limitations as in Claim 10 and is similarly rejected under Yanase et al.

As per dependent Claim 19, Yanase et al disclose:

- A recording medium in which the information partitioning program according to claim 12 has been recorded. (Paragraph 0128: Discloses various storage medium used for recording)

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanase et al (US PGPub 2001/0025288, published 10/27/2001).

As per dependent Claim 3, Yanase et al discloses the separating of news articles in an electronic mail format (Paragraph 0084), but fails to specifically disclose the division pattern can be applied regardless of the kind of an electronic document.

However, in Paragraph 0076, Yanase et al discloses that the conversion of extracting text from an article in printed matter into an electronic document with the use of OCR. In addition, Yanase et al discloses document format is assumed during the document format analysis (The separating of multiple articles from each other. Example disclosed in Paragraph 0084), format conversion to the specific document format can be included and executed. It was well-known to one of ordinary skill at the time of applicant's invention that an electronic document, in an Adobe PDF, containing news articles could be attracted by an OCR to be converted into a document form understandable by Yanase et al's method enabling Yanase et al's document format analysis performed to separated articles from each other using line separators, and be able to determine the title and text of the article, and labeling the title and text of the article shown in FIG 8. (Paragraph 0084)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with the disclosure above since it would have provided the benefit of allowing any type of document, electronic or printed, to have extracted useful news information to the user without accessing a specific source each time.

As per dependent Claim 7, Claim 7 recites similar limitations as in Claim 3 and is rejected under rationale. Furthermore, Yanase et al's method not only is able to separate articles using character-coded line separators and able to determine the title and text of the article, but it is able label the title and text of the article shown in FIG 8

(Paragraph 0084) applied to any inputted electronic document recognized through the process disclosed in Claim 3.

13. Claims 9, 11, 15, 17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanase et al (US PGPub 2001/0025288, published 10/27/2001) in further view of Kobayashi et al (US PGPub 2003/0007397, filed 5/10/2002).

As per dependent Claim 9, Yanase et al discloses their method is able to determine the inputted document is either electronic mail or printed matter, (Paragraph 0063, lines 7-11) and that the document format of news information is already determined. (Paragraph 0073, lines 5-8) However, Yanase fails to specifically disclose discriminate patterns for discriminating the kind of the electronic document inputted. On the other hand, Kobayashi et al discloses the ability to determine the format of the document by the character type of the input text data. (FIG 5; Paragraph 0106-116) Kobayashi et al's method is able to determine if the text data is in HTML format, XML format (Paragraph 0109), or an email message. (Paragraph 0111)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with Kobayashi et al's method since Kobayashi's method would had made Yanase et al's method capable of unitarily processing e-mails and HTML documents, and further to provide a recording medium for use within.

As per dependent Claim 11, Yanase et al discloses receiving news by electronic mail, a plurality of articles that include a plurality of topics distributed at one time, but

fails to specifically disclose that the electronic mail is a mail magazine. However, Kobayashi et al discloses an extended e-mail system of mail magazines that is capable of transmitting the same information to multiple destinations at once in which the email contains large amount of information being advertisements and bodies of text.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with Kobayashi et al's method since Kobayashi's method would had made Yanase et al's method capable of unitarily processing e-mails and HTML documents, and further to provide a recording medium for use within

As per dependent Claim 15, Yanase et al discloses a method:

- the document dividing step performs dividing to partial documents using the discriminated division patterns for document kind, and the labeling step provides the classification information pieces using the discriminated labeling patterns for the document kind. (Paragraph 0084: Discloses multiple division patterns that not only to determine and separate multiple articles from one another, but also the main body text and the title of each individual article. Once determining the division of the sections, the method is able to label an individual article, the text of the article, and the title of the article. Paragraph 0081-0083 discloses example of predetermined rules used for division purposes, but also used for labeling.)

However, Yanase et al fails to specifically disclose comprising a document kind discriminating step of discriminating the kind of the electronic document

inputted. On the other hand, Kobayashi et al discloses the ability to determine the format of the document by the character type of the input text data. (FIG 5; Paragraph 0106-116) Kobayashi et al's method is able to determine if the text data is in HTML format, XML format (Paragraph 0109), or an email message. (Paragraph 0111)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with Kobayashi et al's method since Kobayashi's method would had made Yanase et al's method capable of unitarily processing e-mails and HTML documents, and further to provide a recording medium for use within.

As per dependent Claim 17, Claim 17 recites similar limitations as in Claim 11 and is similarly rejected under Yanase et al and Kobayashi et al.

As per independent claim 20, Claim 20 recites similar limitations as in Claim 1, and 9 combined and is similar rejected under rationale.

As per independent claim 21, Claim 21 recites similar limitations as in Claim 9, and 15 combined and is similar rejected under rationale.

Response to Arguments

14. Applicant's arguments filed 2 June 2006 have been fully considered but they are not persuasive.

In regards to Applicant's argument that Yanese et al's invention cannot anticipate independent claim 1 of storing means and document dividing means of the original claim 1 and the label patterning storing means for storing therein plural labels and the labeling means of original claim 5 (Also applies to original Claims 12 and 14, which is now amended Claim 12) indicating a single disclosed element cannot be used for two different elements of a claim, the Examiner disagrees. According to the amended Claim 1, the claim language of Claim 1 clearly does not state or disclose any indication of any physical separation between the storing means and document dividing means and the label pattern storing means for storing there plural labels and the labeling means. Since no indication is presented, the claimed limitations can be viewed by "one element" which Yanese et al discloses. Examiner's response also applies to claim 12.

With further explanation on the rejection of Claims 1, 5, 12 and 14, Yanese et al discloses an embodiment of the process of a document format analysis that separates articles by character lines, wherein the character are predetermined rules articles from each by character lines. The character lines shown act as a division lines or division pattern stored in the original document thus division pattern storing means. In addition, these character lines are "regarded as a separator for separating articles from each other or separating the title of an article from the text of an article. (Paragraph 0079-0083)(The articles were once compiled as one as one big news information article in an electronic mail, thus electronic document. (Paragraph 0059) Therefore, these character lines are applied in the overall article to divide the overall article into smaller articles. (Paragraph 0084, FIG 7, and 8) In addition, each predetermined character line is in fact

has labeling capabilities with a predetermined set meaning. In other words, one predetermined character line is able to determine and separates articles from each other while another is able to determine a title and body of the article and separate the title from the text of the article, noting a title and body is presented (Paragraph 0080-0083) This discloses the predetermined character lines act as label patterning and labeling provided with "classification information pieces" that determine an articles from each other, or a title from the body of the article. Once separated, the text and the body of each article are paired together as one article. (Paragraph 0084) Since Yanese et al able to determine the text and the body of the text, and an article from another article, it has labeling means using the predetermined character lines, which the labeling is shown on FIG 8. Thus, Yanese et al's method uses of predetermined lines that act as division means for document dividing, and act as label pattern means for labeling the different articles and different elements of the article. FIG 9-11 shows a different embodiment of the same method with the use of predetermined lines that act as division means for document dividing, and act as label pattern means for labeling the different articles and different elements of the article.

In regards to the arguments of Claims 9, 11, 15, and 17, Examiner discloses that Kobayashi is not used to reject the storing means, document diving means, label pattern storing means for storing therein plural labels and the labels means of claim 1 or the document dividing step and labeling step of claim 12 since Examiner uses the Yanese et al reference to reject Claims 1 and 12. However, as stated, Yanese et al does not teach discrimination pattern storing means for storing therein discrimination

patterns for discriminating the kind of the electronic document inputted, or document kind discriminating means for referencing to the discrimination patterns stored in the discrimination pattern storing means to discriminate the kind of the inputted electronic document. However, a feature within Kobayashi et al enables the ability to determine the format of the document by the character type of the input text data. (FIG 5; Paragraph 0106-116) Kobayashi et al's method is able to determine if the text data is in HTML format, XML format (Paragraph 0109), or an email message. (Paragraph 0111). Kobayashi et al discloses a character-type determining unit that reads the inputted text stored in the document, and able to determine the markup language or the text format of the text. Thus, Kobayashi et al is able to read the "discriminating patterns" to determine the electronic document inputted. Therefore, Kobayashi et al cures the deficiencies of Yanese et al.

Conclusion

15. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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